



**CITY OF  
FREMONT  
NEBRASKA  
CITY COUNCIL MEETING**

**October 8, 2019**

**City Council Chambers 400 East Military, Fremont NE  
REGULAR MEETING – 7:00 P.M.**

**AGENDA**

**REGULAR MEETING:**

1. Meeting called to order. After the Pledge of Allegiance, the Mayor called the meeting of the City Council to order and stated that a copy of the open meeting law is posted continually for public inspection located near the entrance door by the agendas.
2. Roll call. Roll call showed Council Members McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus and Legband present. Bechtel absent. 7 Councilmembers present.
3. Mayor comments  
(There will be no discussion from the Council or the public regarding comments made by the Mayor. Should anyone have questions regarding the comments, please contact the Mayor after the meeting)

**PUBLIC HEARINGS:**

4. Resolution 2019-203 for conditional use permit to expand a non-standard use by constructing an addition located at 1400 Railroad Street. Council Member Jensen moved, seconded by Council Member Legband to receive letter from Katheline Porter. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Jensen moved, seconded by Council Member Legband to approve Resolution 2019-203. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
5. Ordinance 5506 voluntary annexation application for approximately the north 220' of Lot 1, Fountain Springs Fourth Subdivision (first reading). Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Yerger moved, seconded by Council Member Legband to introduce and hold first reading of Ordinance 5506. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided first reading.
6. Ordinance 5507 amending Exhibit B of Ordinance 5427 Section 11-504.01 regarding placement and density of multifamily dwellings (first reading). Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Kuhns moved, seconded by Council Member Jacobus to introduce and hold first reading of Ordinance 5507. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided first reading.
7. Ordinance 5508 amending Exhibit B of Ordinance 5427 to add proposed items (E)–(G) to Section 11-324.04 regarding nonstandard lot development and subdivisions (first reading). Mayor Getzschman opened the public hearing. Mayor Getzschman closed the public hearing after receiving comments from the public. Council Member Jensen moved, seconded by Council Member Yerger to correct the title of the Ordinance attachment to “Attachment A to Ordinance 5508”. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jacobus moved, seconded by Council Member McClain

to introduce and hold first reading of amended Ordinance 5508. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided first reading. Council Member Jacobus moved, seconded by Council Member Jensen to suspend the rules and move to final reading of amended Ordinance 5508. Ayes: McClain, Ellis, Kuhns, Jensen, Jacobus, Legband. Nay: Yerger. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Amended Ordinance 5508 approved.

**CONSENT AGENDA:** Moved by Council Member Yerger, seconded by Council Member Legband to approve items 8,9,11 and 13-17 of the consent agenda. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.

8. Motion to approve September 25, 2019 through October 8, 2019 claims and authorize checks to be drawn on the proper accounts
9. Receive Report of the Treasury
11. Resolution 2019-204 to accept Sourcewell Navistar (formerly NJPA) Contract #081716-NVS bid for 1 (one) new truck with dump box and snow plow for Fremont Street Department
13. Resolution 2019-205 authorizing Staff to execute a purchase agreement with NMC Caterpillar of Omaha, NE for a Caterpillar Backhoe Model 416FST through Sourcewell
14. Resolution 2019-206 to enter into a one year maintenance contract with Vertiv Services Inc. for the Uninterruptable Power Supply System for the Fremont/Dodge County Communications Center
15. Resolution 2019-207 to accept Sourcewell (formerly NJPA) Contract #122017-TYM bid for 1 (one) new regenerative air street sweeper for Fremont Street Department
16. Resolution 2019-208 of the City Council of the City of Fremont, Nebraska, accepting and awarding the proposal of En Pointe Technologies for the renewal and additional Microsoft product licenses
17. Motion to approve request for use of Miller Park (South M Street) for church event

**ITEMS REMOVED FROM THE CONSENT AGENDA FOR SEPARATE DISCUSSION:**

10. Dispense with and approve September 24, 2019 City Council Meeting Minutes and October 1, 2019 City Council Study Session Minutes. Council Member Jensen moved, seconded by Council Member Legband to dispense with and approve September 24, 2019 City Council Meeting Minutes and October 1, 2019 City Council Study Session Minutes. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
12. Resolution 2019-166 amendment for Fall Festival to extend the hours of 6<sup>th</sup> Street closure (staff report). Council Member Jensen moved, seconded by Council Member Legband to receive email request for additional parking lot closure time. Ayes: McClain, Kuhns, Yerger, Jensen, Jacobus, Legband. Abstention: Ellis. Motion carried. Council Member Yerger moved, seconded by Council Member Jacobus to amend paragraph 1.2.1 of the agreement and Resolution to allow tent setup to occur at 7:00 am on October 9, 2019. Ayes: McClain, Kuhns, Yerger, Jensen, Jacobus, Legband. Abstention: Ellis. Motion carried. Council Member Jacobus moved, seconded by Council Member Yerger to approve the first amendment to the agreement as amended. Ayes: McClain, Kuhns, Yerger, Jensen, Jacobus, Legband. Abstention: Ellis. Motion carried. Council Member Yerger moved, seconded by Council Member Jacobus to approve the amended Resolution 2019-166. Ayes: McClain, Kuhns, Yerger, Jensen, Jacobus, Legband. Abstention: Ellis. Motion carried.

**UNFINISHED BUSINESS: requires individual associated action**

18. Council Member Yerger Item – Ordinance 5499 to amend Fremont Municipal Code Section 2-106 Agenda for Meetings (report). Council Member Yerger moved, seconded by Council Member Legband

to continue indefinitely Ordinance 5499. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.

19. Resolution 2019-209 of the City Council of the City of Fremont, Nebraska approving the City Council Meeting Agenda Policy. Council Member Yerger moved, seconded by council Member Jensen to continue the item to the first meeting in November. Ayes: McClain, Ellis, Yerger, Jensen, Jacobus. Nays: Kuhns, Legband. Motion carried.
20. Resolution 2019-199 authorizing the Mayor to sign the cover sheet of the Draft Environmental Assessment, (EA) document for the 23rd Street Viaduct Project. Council Member Legband moved, seconded by Council Member Legband to receive a letter and petition from Nye Health Services. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Jensen moved, seconded by Council Member McClain to approve Resolution 2019-199. Ayes: Jensen. Nays: McClain, Ellis, Kuhns, Yerger, Jacobus, Legband. Motion failed.
21. Ordinance 5503 establishing rate schedules for sewer use by customers of the municipal sewer system (final reading). Council Member Legband moved, seconded by Council Member Kuhns to approve final reading of the Ordinance. Ayes: McClain, Kuhns, Jensen, Jacobus, Legband. Nays: Ellis, Yerger. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Kuhns, Jensen, Jacobus, Legband. Nays: Ellis, Yerger. Ordinance 5503 approved.
22. Ordinance 5504 establishing rate schedules for electricity consumed by customers of the municipal electric system (final reading). Council Member Legband moved, seconded by Council Member Kuhns to hold final reading of Ordinance 5504. Ayes: McClain, Kuhns, Jensen, Jacobus, Legband. Nays: Ellis, Yerger. Motion carried. City Clerk provided final reading. Mayor Getzschman called for a final vote on the Ordinance. Ayes: McClain, Kuhns, Jensen, Jacobus, Legband. Nays: Ellis, Yerger. Motion carried.
23. Resolution 2019-200 to approve stop signs. Council Member Yerger moved, seconded by Council Member Legband to approve Resolution 2019-200. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
24. Ordinance 5505 to approve speed limits in SunRidge Addition (second reading). Council Member Jensen moved, seconded by Council Member Legband to receive document showing additional amendment. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Yerger moved, seconded by Council Member McClain to amend the Ordinance to reflect subsection e. to replace subsection d. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. Council Member Yerger moved, seconded by Council Member McClain to approve second reading of the Ordinance as amended. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. City Clerk provided second reading.

#### **NEW BUSINESS: requires individual associated action**

25. Motion to appoint Garret Jensen as Police Officer per recommendation of the Mayor. Council Member Jensen moved, seconded by Council Member Kuhns to appoint Garret Jensen as Police Officer per recommendation of the Mayor. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
26. Receive Greater Fremont Development Council report. The report is included in the supporting documents. No action was taken.
27. Resolution 2019-210 authorizing the Mayor to sign a contract amendment request letter for Community Development Block Grant # 10-ED-009. Council Member Jensen moved, seconded by Council Member Kuhns to approve Resolution 2019-210. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.



28. Resolution 2019-211 authorizing the Mayor to sign a contract amendment request letter for Community Development Block Grant # 16-CD-102. Council Member Yerger moved, seconded by Council Member Kuhns to approve Resolution 2019-211. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
29. Motion authorizing the Mayor to sign the Memorandum of Understanding with the Fraternal Order of Police Lodge No. 37 regarding Article 18 of the current collective bargaining agreement. Council Member Jensen moved, seconded by Council Member Kuhns to authorize Mayor to sign the Memorandum of Understanding with the Fraternal Order of Police Lodge No. 37 regarding Article 18 of the current collective bargaining agreement. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
30. Motion authorizing the Mayor to sign the Memorandum of Understanding with the International Association of Firefighters Local 1015 regarding Article 23 of the current collective bargaining agreement. Council Member Kuhns moved, seconded by Council Member Jacobus to authorize Mayor to sign the Memorandum of Understanding with the International Association of Firefighters Local 1015 regarding Article 23 of the current collective bargaining agreement. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
31. Council action removing a falsified staff report from public record and authorize an investigation into the origin, creation, and submission of the document. Council Member Jensen moved, seconded by Council Member Ellis to not follow the recommendation of the Utility and Infrastructure Board. Ayes: Ellis, Yerger, Jensen, Jacobus. Nay: Kuhns, Legband. Abstention: McClain. Motion failed. Council Member Yerger moved, seconded by Council Member Ellis to table the item indefinitely. Ayes: McClain, Ellis, Yerger, Jensen, Jacobus, Legband. Nay: Kuhns. Motion carried.
32. Resolution 2019-215 to approve Yong Construction Corporation Final Acceptance of Project of the 2019 Pavement Rehab Project by authorizing the Mayor to sign Final Pay Application No. 6 and Final Change Order No. 3. Council Member Jensen moved, seconded by Council Member Legband to approve Resolution 2019-215. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
33. Resolution 2019-216 to approve Paver's Inc. Final Acceptance of Project of the Military Ave Asphalt Overlay Project by authorizing the Mayor to sign Final Pay Application No. 2 and Final Change Order No. 1. Council Member Jacobus moved, seconded by Council Member Legband to approve Resolution 2019-216. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried.
34. Adjournment. Moved by Council Member Jacobus seconded by Council Member Yerger to adjourn the meeting. Ayes: McClain, Ellis, Kuhns, Yerger, Jensen, Jacobus, Legband. Motion carried. Meeting adjourned at 12:13 a.m.

APPROVED AND ACCEPTED THIS 29TH DAY OF OCTOBER AS THE OFFICIAL COPY OF THE FREMONT, NEBRASKA CITY COUNCIL MINUTES FOR OCTOBER 8, 2019.

  
Tyler Ficken, City Clerk

  
Scott Getzschman, Mayor